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WELLS FARGO DEFENDANTS AND THE
INDIVIDUAL DEFENDANTS

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE WELLS FARGO MORTGAGE-
BACKED CERTIFICATES
LITIGATION

Civil Action No. 09-01376 (SI)

**CONSOLIDATED CLASS ACTION
ECF**

**SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
WELLS FARGO DEFENDANTS' AND
INDIVIDUAL DEFENDANTS' MOTION
TO DISMISS THE CONSOLIDATED
COMPLAINT**

DATE: January 29, 2010
TIME: 9:00 a.m.
CTRM: 10

SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, defendants Wells Fargo Asset Securities Corporation and Wells Fargo Bank, N.A. (collectively, the “Wells Fargo Defendants”) and David Moskowitz, Franklin Codel, Thomas Neary, and Douglas K. Johnson (collectively, the “Individual Defendants,” and with the Wells Fargo Defendants, the “Defendants”) respectfully request that the Court take judicial notice of the documents filed herewith as Exhibits 87-91 to this request.

Federal Rule of Evidence 201 authorizes federal courts to take judicial notice of documents that are “not subject to reasonable dispute [and] . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201. Federal courts routinely find that news articles are an appropriate subject for judicial notice.¹ See, e.g., *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n.18 (9th Cir. 1999); *Rubke v. Capital Bancorp.*, 2006 WL 1699569, at *12 (N.D. Cal. June 16, 2006); *In re Portal Software, Inc. Sec. Litig.*, 2005 WL 1910923, at *4 (N.D. Cal. Aug. 10, 2005). Courts have also taken judicial notice of Congressional hearing transcripts because “they are the types of documents for which the accuracy cannot reasonably be questioned.” *321 Studios v. Metro Goldwyn Mayer Studios, Inc.*, 307 F. Supp. 2d 1085, 1107 (N.D. Cal. 2004).

Defendants respectfully request that the Court take judicial notice of the documents filed herewith as Exhibits 87-91 to this request. All of these matters are properly the subject of judicial notice.

Exhibit 87: True and correct copies of testimonies from *The Role and Impact of Credit Rating Agencies on the Subprime Credit Markets*, held before the Senate Banking Committee on Wednesday, September 26, 2007, including a true and correct copy of the list of witnesses.

Exhibit 88: A true and correct copy of *Senators Accuse Rating Agencies of Conflicts of Interest in Market Turmoil*, N.Y. TIMES, Sept. 26, 2007.

¹ This is not to say that a court may always take judicial notice of the truth of facts or events reported in a news article, only that the fact of publication and the statements made therein are matters that may readily be determined by resort to sources whose accuracy cannot reasonably be questioned.

1 Exhibit 89: A true and correct copy of *Fitch Affirms 2 and Downgrades 4 of Wells Fargo*
2 *Alternative Loan Trust 2007-PA1*, Fitch Ratings, Jan. 18, 2008.

3 Exhibit 90: A true and correct copy of *Fitch Takes Various Actions on 7 Wells Fargo*
4 *Alternative Loan Trust Alt-A Transactions*, Fitch Ratings, May 20, 2008, including a true and
5 correct copy of the spreadsheet referenced therein.

6 Exhibit 91: A true and correct copy of Wells Fargo & Company Annual Report 2007, a
7 copy of which was filed with the Securities and Exchange Commission on March 18, 2008.

8
9 DATED: January 15, 2010

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12 By: /s/ David H. Fry
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17 DATED: January 15, 2010

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